

**WATER RESOURCES ADVISORY COMMISSION**  
***Initial Recommendations on Programmatic Regulations***  
***For Additional Deliberations***

**Category 1 – Agreement**

- ◆ Public Outreach
  1. Define the role of Public Outreach Plan and Economic and Social Equity Plan within Programmatic Regulations
  2. Ensure that Programmatic Regulations discuss implementation of Public Outreach
  3. Public Outreach should include outreach to public in affected and meaningful consideration of their input.
- ◆ Fix “Savings Clause” language to match WRDA 2000 with regards to water sources!
- ◆ What is mean by “existing legal sources” as of date of WRDA (Section 601 h 5 a)
- ◆ Relationship between federal task force and Programmatic Regulations should be made clear.
- ◆ Define RECOVER’S role in establishing goals, restoration and performance measures
- ◆ Without compromising the responsibility of RECOVER to provide science based recommendations, the Programmatic Regulations should provide for:
  1. A transparent publicly accessible process which scientific information is used and translated into policy decisions; and
  2. A periodic review and approval of RECOVER recommendations by the SFWMD and the COE.
- ◆ The scope of current exclusions from NEPA is problematic.
- ◆ Consultation
  1. Strengthen the consultation/coordination process (when, how and who) (385.75)
  2. Consultation definition needs to be stronger and include other stakeholders
  3. Tribal consultation should follow executive order language
- ◆ Redefine adaptive assessment, define adaptive management and establish a process
- ◆ RECOVER should not have sole responsibility for protocol. (CP)
- ◆ RECOVER’S role with respect to protocols should be clarified.
- ◆ “Urban Water Supply” should be included in the definition section.
- ◆ Insert section 10.3 from the plan into the Programmatic Regulations and eliminate protocols on format and contents from the PIR”S
- ◆ Clarify the period of record for Pre CERP baseline in Programmatic Regulations
- ◆ The Programmatic Regulations need to provide for the development of a water budget.
- ◆ Final Operational manuals must be based on performance resulting from monitoring and testing (page 45)
- ◆ Whenever Programmatic Regulations require the development of specific protocols, timelines for completion should be included.
- ◆ Define “level of flood protection in existence” ( as utilized in the Savings Clause)
- ◆ Provision regarding Flood protection needs to clarified and revised.
- ◆ When reservations are discussed in Programmatic Regulations clarify whether they are project specific or system-wide.
- ◆ Accountability!!!

**Category 2- Some Agreement**

- ◆ Include “flood protection for the natural system in the programmatic Regulations

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- ◆ NEPA exclusions should not be in the Programmatic Regulations
- ◆ Interim goals, Operations Manuals and Plans and Specs have potential for significant impact. (no categorical exclusions)
- ◆ Department of the Interior (DOI) concurrence on things now in protocols
- ◆ Define concurrence based on WRDA 2000
- ◆ In some decisions (undefined yet) COE and DOI should be equal arbiters of federal interest
- ◆ Ensure incremental benefits to all throughout implementation
- ◆ Define Restoration
- ◆ Definition of “restoration” and “meeting other needs of region”
- ◆ Needs a definition section....
- ◆ RECOVER
  - ◆ Adaptive assessment must be comprehensive.
  - ◆ A procedure should be included discussing the process for evaluating why the interim goals not met and developing a plan for achieving the goals
  - ◆ Excessive delegation of authority to RECOVER
  - ◆ RECOVER: Expand to include other stakeholders
  - ◆ “Adaptive Management” should not be used as excuse for delay (or poor performance)
- ◆ Reservations
  - ◆ Must be flexible
  - ◆ Preliminary and flexible
- ◆ Implementation principles should:
  - ◆ give greater weight to increasing water supply earlier
  - ◆ include cost-effectiveness
- ◆ Programmatic Regulations should:
  - ◆ define and ensure cost effectiveness
  - ◆ be consistent with state law

**Category # 3 – Needs Work**

- ◆ Interim Goals
  - ◆ “Interim Goals” In or Out
  - ◆ Interim goals to be approved by the Task Force
  - ◆ Regardless of “In or Out”, what kind of Interim goals?
  - ◆ Specific Interim goals do not belong in the Programmatic Regulations
  - ◆ Interim goals include all the goals from the Water Supply Plans
- ◆ Savings Clause specifies Sources, not uses
- ◆ Add language that original intent of component projects should be preserved in perpetuity
- ◆ Adaptive Management/implementation of assessment
- ◆ Programmatic Regulations should ensure that all water related needs are met
- ◆ Process, not details
- ◆ The term “protocols” is too vague, and too many procedures are deferred to protocols.
- ◆ Programmatic regulations should be process, not details.
- ◆ Task force must approve RECOVER work products. (oversight needed)
- ◆ DOI should have concurrence on developing rules for identifying reservations (385.30(c)(2))

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